IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1995 OF 2005

Mrs. Scarlet Savio D'Souza ... Petitioner

V/s

State of Maharashtra at the instance of Vakola Police Station. ... Respondent

Mr. A.R. Saxena i/by Smt. S.R. Kumbhat for the petitioner.

Mrs. S.D. Shinde, A.P.P. for the respondent.

CORAM: J. N. PATEL AND SMT. ROSHAN DALVI, JJ.

DATED: 25TH AUGUST, 2006

P.C.:

1. Heard.

2. We have gone through the petition. In substance, what we find is that the person for whom writ of habeas corpus is sought, is reported to be dead as can be seen from the notices sent by the advocates of respondent Nos. 3 and 4 which are annexed to the petition as Exh."E" collectively, alongwith other documents. Therefore, the petition has become infructuous. Petition is dismissed.

3. We are required to observe that, inspite of the petitioner being made aware of the fact that the person for whom writ of habeas corpus has been filed is dead, the petitioner seeks leave of this Court to amend the petition but does not withdraw the same putting the State to unnecessary expenses. Therefore, we not only dismiss the petition as infructuous but also with compensatory costs on the petitioner which we quantify at Rs.10,000/- to be credited in the account of Collector (Suburban), Mumbai. In case costs are not deposited within four weeks from the date of this order, the Collector (Suburban), Mumbai would be entitled to recover it as fine by resorting to the provision under Maharashtra Land Revenue Code.

(J. N. Patel, J.)

(SMT. ROSHAN DALVI, J.)